IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No: 25363 of 2004

Between:

1 Pothuru Chitti babu, s/o P.V.S.Suryanarayana Raju,
r/o Poduru Village & Mandal, W.G.District.
2 Chellaboyana Satyanarayana, s/o Sathiyya,
r/o Poduru Village & Mandal, W.G.District.

..... PETITIONERS

AND

1 The A.P. Eastern Power Distribution Co. Ltd., Visakhapatnam, rep., by its Assistant Divisional
Engineer, Operation Sub-Division, Palacolu (PO), W.G.District.
2 The Divisional Engineer, Assessments, APEPDCL, Vidyut Sakha Bhavan, Godavari Bund, Rajahmundry (PO), W.G.District.
3 The Chairman-cum-Managing Director, APEPDCL, Corporate Office, Daba Gardens, Visakhapatnam (PO) District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus by declaring that the provisional notice dt.25-11-2004 issued by the Ist respondent for an assessment of Rs.76,230/- at three times the rate of the tariff, calling for payment of Rs.38115-00 by serving the notice on 29-11-2004, and disconnecting power supply to the agricultural lands of the Ist petitioner at Poduru Village in respect of electrical service connection No.838, as arbitrary, illegal ultra vires the powers of the Ist respondent, in violation of principles of natural justice, the breach of electricity law (Sec.126 of Amended Act of 2003 of the Parliament) thus inoperative against the petitioners and thus to set aside the same in the interest of justice.

Counsel for the Petitioner: MR.P.NARASIMHA RAO

Counsel for the Respondents: SMT.M.VINOBHA DEVI

The Court at the admission stage made the following:

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ORDER:

The petitioners were issued letter, dated 25.11.2004, by the 1st respondent alleging that they have been utilizing the agricultural power supply for maintaining a prawn tank. The 1st respondent estimated the value of misused power supply at Rs.76,230/- and directed the petitioners to deposit a sum of Rs.38,115/- in case they want continuance of power supply. The petitioners challenge the same.

Heard learned counsel for the petitioners and learned standing counsel for the respondents.

The question as to whether the petitioners used the power meant for agricultural pumpset for maintenance of prawn tank needs to be considered, after the petitioners submit their explanation. The petitioners do not dispute the factum of their maintenance of a prawn tank.

Taking the totality of the circumstances into account, this Court is of the view that ends of justice would be met, in case the power supply to the petitioners is continued on their paying a sum of Rs.20,000/-.

Hence, the writ petition is disposed of, directing that the respondents shall restore power supply to the petitioners in respect of service connection NO.838 of Poduru Village, as and when the petitioners deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only). The ultimate liability of the petitioners shall be decided after the petitioners submit their explanation. There shall be no order as to costs.

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18.01.2005

Jsu

To

1 The Assistant Divisional Engineer, A.P. Eastern Power Distribution Co. Ltd., Visakhapatnam, Operation Sub- Division, Palacolu (PO), W.G.District.
2 The Divisional Engineer, Assessments, APEPDCL, Vidyut Sakha Bhavan, Godavari Bund, Rajahmundry (PO), W.G.District.
3 The Chairman-cum-Managing Director, APEPDCL, Corporate Office, Daba Gardens, Visakhapatnam (PO) District.

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